

**MEETING MINUTES SUMMARY  
GOVERNOR'S MILITARY FACILITIES TASKFORCE  
TUESDAY, SEPTEMBER 9, 2003, 9:30 A.M. TO 1 P.M.  
CENTRAL ARIZONA COMMUNITY COLLEGE – CONF. ROOM M101**

**INTRODUCTIONS & ROLL CALL**

Co-Chair Tom Browning (Brigadier General, USAF, Ret.) opened the meeting and welcomed the taskforce members and guests to the fourth meeting. Taskforce members were given an opportunity to introduce themselves individually. The remaining taskforce members include: Co-Chair Bob Johnston (Lieutenant General, USMC, Ret.) of Tucson, Tom Finnegan of Sierra Vista representing Fort Huachuca, Lenore Stuart (Chairman of the Yuma County Board of Supervisors, standing in for Monsignor Richard O'Keeffe) of Yuma representing the Army Yuma Proving Grounds, Lisa Atkins of the West Valley representing Luke Air Force Base (AFB), Lori Faeth, the Governor's Natural Resource Policy Advisor, Gil Jimenez of the Arizona Department of Commerce, Gene Santarelli of Tucson representing Davis-Monthan AFB and Steve Thu of Tucson representing the National Guard and Reserve units. The taskforce advisor is Patricia Boland from the Attorney General's office. Co-Chair Browning also recognized Deb Sydenham from the Department of Commerce and four elected officials in the audience: Mayor Larry Nelson from the City of Yuma, Mayor Tom Hessler from the City of Sierra Vista, Mayor Elaine Scruggs from the City of Glendale and Mayor Joan Shafer from the City of Surprise.

**COMMENTS/RECOMMENDATIONS FROM THE CHIEF ELECTED OFFICIALS  
ADVISORY GROUP – MAYOR ELAINE SCRUGGS, CITY OF GLENDALE**

Mayor Elaine Scruggs from the City of Glendale, representing the Chief Elected Officials Advisory Group of the Governor's Military Facilities Taskforce, gave a presentation on the recommendations developed in a meeting on August 29<sup>th</sup> held by the advisory group to address the long-term preservation of Arizona's military facilities. These recommendations were based on two questions Co-Chair Tom Browning had forwarded to this group to answer – 1) What do you recommend as a revenue source for the purchase/lease of the land/ development rights in areas surrounding military installations in which development must be severely constrained to ensure the long-term mission viability of our bases? and 2) How should we treat land parcels that are bifurcated by noise contours and/or safety zones?

To answer these questions, Mayor Scruggs presented the following list of recommendations.

Answering Question #1 -

1) Provide a Governor's Liaison to coordinate the acquisition of Department of Defense lands with the conservation easements by USDA – 2002 Farm Bill. There would be the use of federal funds such as the US -- United States Department of Agriculture 2002 Farm Bill, and the land and conservation -- land and water conservation fund to acquire conservation easements around land surrounding the military bases.

2) Encourage the Bureau of Land Management (BLM) to respond to opportunities to trade BLM land for private ownership land within military encroachment areas

3) Encourage the Governor and the State Legislature to provide funding, recognizing the economic impact of military bases in Arizona, as was found for T-GEN. She continued her comments by explaining that military operations is an industry that's here right now and it is generating significant revenue each and every day of each and every year, and we need to protect it.

4) Restrict/Remove the sale of State lands, possibly keep as leased land, to those compatible land uses that preserve the mission viability of Arizona military bases. Revenue could be saved -- or money could be saved and used for other projects if the protection of military bases is accomplished through restriction on State-owned lands to compatible uses. In other words, if State land were sold, it would be sold only for compatible uses. Therefore, there would not need to be as much land purchased.

5) Seek out and encourage private investors and/or organizations (trust for public lands) to purchase land and agree to deed restrict the land for only those compatible uses that do not negatively impact the mission viability of Arizona's military bases.

6) Encourage Arizona's Congressional delegation to work closely with military installation and the surrounding communities to secure federal resources to preserve viability of Arizona's military bases.

#### Answering Question #2 -

This issue does not warrant special attention by the Governor's Military Facilities Taskforce. Land parcels having both land within a noise contours/safety zones and land outside a noise contour/safety zone have their own particular and unique circumstances, e.g. relevant parcels have widely disparate sizes as well as some very well over a section whereas others may be only several acres. Area delineations vary widely inside and outside of zones. There are zoning differences for lands including agriculture, residential, commercial and industrial and differing levels of land use value based on zoning, adjacent properties, transportation, water availability, sewer availability, environmental status and soil quality. Due to the difficulties associated with land bifurcation, these issues can be most effectively resolved through land use planning, development agreements, zoning and coordination between landowners and applicable municipalities and counties. The overall feeling was that the current legislation that is in place right now offers the opportunity to resolve this issue, and that further legislation is not needed.

In closing, Mayor Scruggs also mentioned that all but one member of this group who participated in the recommendation formation process was strongly opposed to any sort of valid issue having to do with a tax (i.e. property or sales tax).

#### **COMMENTS/RECOMMENDATIONS FROM THE ARIZONA LANDOWNERS GROUP COALITION – JEFF SANDQUIST, STEPTOE AND JOHNSON, LLP**

Mr. Jeff Sandquist from Steptoe and Johnson, representing the West Valley Community Action Coalition (a group of local farmers that own land surrounding Luke AFB) made a presentation to address the issues surrounding the long-term preservation of Arizona's military facilities from

the perspective his clients. These recommendations were based on the same two questions Co-Chair Tom Browning had forwarded to the advisory group mentioned above – 1) What do you recommend as a revenue source for the purchase/lease of the land/ development rights in areas surrounding military installations in which development must be severely constrained to ensure the long-term mission viability of our bases? and 2) How should we treat land parcels that are bifurcated by noise contours and/or safety zones?

Mr. Sandquist explained the perspective of his clients and their concerns that they feel that they have historically carried and are currently carrying the financial burden to preserve Luke Air Force Base. He also presented the following options for compensation in order of their preferences: land trades, purchase of land and/or development rights, lease of development rights and/or combination of all three options and explained the pros and cons of each one. In closing, Mr. Sandquist indicated that from his client's perspective, the "Who pays questions" rests with the policy makers who need to develop a solution that involves a guaranteed source of revenue before his client can agree to any further land restrictions.

Co-chair Browning requested that Mr. Sandquist and West Valley Community Action Coalition work with other landowners in the other affected communities in the State to develop recommendations from a broader context. These recommendations should address the issues faced by landowners from a statewide perspective, not just Luke AFB. (See special note below to request a copy of presentation slides)

## **PRESENTATION ON BASE PROTECTION RESOLUTION - MAYOR JOAN SHAFER, CITY OF SURPRISE**

Mayor Joan Shafer of the City of Surprise made a presentation to describe the actions of her City in recent months concerning the land surrounding Luke AFB and to provide some of her own recommendations. Mayor Shafer indicated that her City's actions were based upon some confusion on how to interpret section K of the chart. Her City's interpretation led them to believe that residential development of land under the noise contours of one dwelling per unit per acre was permitted, providing that the zoning was already in place by December 31, 2000.

However, according to the Attorney General's office, the exception for residential development under table K is inconsistent with the intent of the statute as a whole. And, therefore, the correct way to read the exception is to either read it out of the statute or read it as saying, "residential development is permitted, but no new lots can be created." As a result, the City of Surprise has taken direction from the Attorney General's office, and has refused to approve any new plans within the noise contour.

Mayor Shafer's continued with her remarks and made a specific request to address this first exception for residential development under the ARS 28-8481(E) table of compatible uses. She indicated that it needed to be eliminated and rewritten to define exactly when level of residential direction is permitted. Mayor Shafer concluded her comments by conveying that the City of Surprise would happily comply with whatever the Task Force and the Attorney General's office decided to do on this matter.

## **RESPONSE TO OPEN ACTION ITEMS**

Action items that had been developed during previous taskforce meetings were reviewed during this portion of the taskforce meeting. Several action items were deferred or left open to be addressed at the next taskforce meeting. They are listed in the following sections titled “DEFERRED ACTION ITEMS” and “OPEN ACTIONS ITEMS”. The remaining action items were discussed here.

Lori Faeth addressed the action item concerning any pending environmental issues that would be best for the taskforce to stay out of. These issues included the Per chlorate in Colorado River and other areas, the “Renzi Rider and the Yuma Service Highway.

On the subject of the Per chlorate in Colorado River and other areas, Ms. Faeth felt that this issue is being addressed outside this discussion. It is not likely to be an issue impacting the long-term preservation of Arizona’s military facilities.

On the subject of the "Renzi Rider", she expressed her reservations with the taskforce’s involvement in this matter since the outcome could be decided prior to the taskforce recommendations being presented to the Governor. She also indicated that the Governor has expressed concerns about the process by which the Rider came about -- without the benefit of public debate and by attachment to an appropriations bill. This is a sharp contrast to the collaborative efforts underway between the community and the Fort regarding the San Pedro River.

The discussion following Lori’s comments on the Renzi Rider to the Defense Authorization bill led to two votes by the taskforce – 1) Whether or not the Task Force ought to render an opinion on this matter and 2) Whether or not the taskforce should support the rider. Under the first vote, the majority ruled 7-1 to render an opinion with a no vote from Monsignor O’Keeffe due to his absence. Under the second vote, the majority ruled by a vote of 6-2 to support the “Renzi rider with a no vote from Monsignor O’Keeffe. This second and final vote was reached with the understanding that this was just one point in time, that this matter may be settled before the taskforce can complete its tasks, and further discussion is needed to determine the long-term implications of this amendments and what all this language really means in terms of the context of each of Arizona’s installations.

On the subject of the Yuma Area Service Highway, Ms. Faeth explained that this issue should be seen as a land-use/encroachment issue and not an environmental issue. The ADOT is in the process of reviewing public comment on the proposal and will make a recommendation on how to proceed based on the comment.

Ms. Faeth also addressed the action item to identify appropriate monitors for the environmental recommendations. Based on the recommendations at the last taskforce meeting, she indicated that the task force should recommend on-going monitoring for PM10 and 8-hour ozone developments. There is no need to create a new council or committee to do this work.

Patricia Boland addressed the action item concerning the need to provide legal access for the State Land Trust to Silverbell so that they are able to sell the land. Ms. Boland explained that State Land Trust could sell land even if they don't have legal access to it. As a policy matter, they typically don't sell land without access, because it limits the amount of people who are willing to show up and bid on the property. But there is no legal impediment for this type of transaction.

Gil Jimenez addressed the action item concerning an update on the management level review and the comments about the recognition of the economic activity associated with Arizona's military installations. Mr. Jimenez related the Department of Commerce's (ADOC) new focus on jobs with recognition of the military industry's contribution to the State's economic development with 83,000 direct, indirect and induced jobs created/retained each year. He commended Deb Sydenham and Heather Garbarino of the ADOC for their support of the taskforce. He also announced the \$50,000 grant that the Community & Economic Development Commission (which falls under the ADOC) gave the taskforce to fund the development of their final report. In closing, Mr. Jimenez expressed his commitment and that of the ADOC to assist the taskforce with its efforts to ensure the long-term preservation of Arizona's military installations and their missions.

## **REVIEW AND DISCUSSION OF PRELIMINARY DRAFT RECOMMENDATIONS - TOM BROWNING**

Based on the following the guidelines, Co-chair Tom Browning led a discussion that reviewed the preliminary draft recommendations presented at the last taskforce meeting and recommendations forwarded to the taskforce since that time.

### **Guidelines for Recommendation Review**

- 1) Briefly address the issue that is affecting the ability of our military installations to conduct their missions.
- 2) Address specific actions that need to be taken at a state level in specific language.
- 3) Specify the entities that will be responsible for and have the authority to implement the actions.
- 4) Address solutions that come with a statewide perspective so that we don't fix a problem at one installation and make things worse someplace else.
- 5) Define revenue estimate and reference revenue source if there is a funds request involved.

From this discussion and review, this is the list that was generated of the revised preliminary draft recommendations as well as their assignments to the specific taskforce members.

- 1) Provide the same protection to all ~~ranges~~ (removed – see Recommendation #19) Auxiliary fields and mixed use facilities which currently apply to military airports; *Notes: need to get input from DM, YPG, MCAS, Ft Huachuca* (OPR: Lisa Atkins; Suspense Date: October 3, 2003)
- 2) Expand the definition of military airports to include helicopter and UAV operations (OPR: Tom Finnegan with Steve Thu; Suspense Date: October 3, 2003)

- ~~3) Consider offering the same protection at military airports for secondary runways that already exist for primary runways (Deleted)~~
- 3) Adopt AICUZ zoning which will accommodate growth potential around military installations (OPR: Gene Santarelli; Suspense Date: October 3, 2003)
- 4) Define acreages affected by departure corridors, APZs and high noise areas in sufficient detail for land use determination; *Notes: Start with what is in statute (65 dnl and 30,000ft), include Gila Bend, Aux 1, Silver bell, Ft Huachuca, Yuma MCAS and consider safety concerns separate from noise restrictions* (OPR: Lisa Atkins and Gene Santarelli with technical assistance from Deb Sydenham with Bob Duchek; Suspense Date: October 3, 2003)
- 5) Clarify what kind of development is allowed within the high noise and accident potential zones (OPR: Patty Boland; Suspense Date: October 3, 2003)
- ~~6) Adopt 50,000 ft. departure corridor for the primary runways at military airports (Deleted)~~
- 6) Establish pre-action approval procedures for land use within the areas affected by military facilities (OPR: Patty Boland; Suspense Date: October 3, 2003)
- 7) Establish mechanisms to A) exchange land, B) buy land, C) lease land or D) enforce compatible land use around military airports *Notes: "A, B, C, D" delineates these as four separate recommendations; inputs from the Mayors and landowners at the last meeting need to be considered* (OPR: Lisa Atkins and Gene Santarelli; Suspense Date: October 3, 2003)
- ~~8) Encourage graduated development concept for the land areas approaching the high noise and accident potential zones (Deleted – combined with Recommendation #9)~~
- ~~8) Establish and standardize the size of the (removed) vicinity boxes surrounding each military installation; *Notes: rework the remaining words to apply to auxiliary fields* (Deleted – combine with Recommendation #1)~~
- 8) Strengthen notification in vicinity box and establish enforcement mechanisms; *Notes: consider "standardizing" the enforcement mechanisms* (OPR: Gene Santarelli and Patty Boland with technical assistance from Deb Sydenham; Suspense Date: October 3, 2003)
- 9) Request the City/County General and Comprehensive plans provide for protection of military missions; *Notes: include possible approach mentioned in the first deleted Recommendation #8; coordinate response with other taskforce members* (OPR: Monsignor O'Keeffe; Suspense Date: October 3, 2003)
- 10) Request State develop a presence in Washington D.C. to help market the importance/capabilities of each of Arizona's installations as a unique network of multi-

service bases; *Notes: this recommendation action must be coordinated with the Governor's office to ensure that this does not conflict with any current State plans* (OPR: Tom Finnegan, Gil Jimenez and Tom Browning; Suspense Date: October 3, 2003)

- 11) Request clarification of the language in the Biological Opinion determining Fort Huachuca's responsibility for off-base water usage (OPR: Tom Finnegan with Lori Faeth; Suspense Date: October 3, 2003)
- 12) Develop legislation to assist efforts to bring water to the Sierra Vista area to deal with growth (OPR: Tom Finnegan with Lori Faeth; Suspense Date: October 3, 2003)
- 13) Support Arizona Depart. of Environmental Quality efforts at establishing Best Management Practices for the Yuma area (PM10) (OPR: Monsignor O'Keeffe; Suspense Date: October 3, 2003)
- 14) Monitor designation concerning Tucson and PM10 (OPR: Lori Faeth; Suspense Date: October 3, 2003)
- 15) Monitor 8-hour ozone development (NO2 Waiver) (OPR: Lori Faeth; Suspense Date: October 3, 2003)
- 16) Monitor Endangered Species Act litigation (OPR: Lori Faeth; Suspense Date: October 3, 2003)
- 17) Support efforts to review Endangered Species Act and the BMGR (OPR: Lori Faeth; Suspense Date: October 3, 2003)
- 18) Noise Attenuation measures should be required for all construction inside of noise contours around all AZ military facilities; *Notes: Clarify this recommendation* (OPR: Dion Flynn; Suspense Date: October 3, 2003)
- 19) ~~Enforcement of existing state statutes at Luke AFB and~~ (included in Recommendation #1) e-Establishment of protection for all A) training and testing ranges, B) training airspaces and C) military training routes (MTRs); *Notes: A,B and C delineates these as three separate recommendations* (OPR: Lisa Atkins and Gene Santarelli; Suspense Date: October 3, 2003)
- 20) Continued and expanded involvement at all levels: landowners, political sub-divisions, Luke AFB (OPR: Tom Browning & Bob Johnston; Suspense Date: October 3, 2003)
- 21) A public education program should be implemented by government, businesses, and other interested parties to inform legislative leaders and the public regarding the importance of military facilities in AZ (OPR: Tom Browning & Bob Johnston; Suspense Date: October 3, 2003)

- 22) Statewide and local (city and county) should be authorized by legislation through a property or sales tax (ex. one-third of one cent for 10 yrs) to finance land acquisition and development rights, infrastructure, guarantee water supplies, and other improvements that retain and expand AZ's military facilities. Give voters a choice in 2004. *Notes: consider inputs from the Mayors offered at the last meeting* (OPR: Gil Jimenez; Suspense Date: October 3, 2003)

(See special note below to request a copy of presentation slides and/or the revised list of preliminary draft recommendations)

## **CALL TO THE PUBLIC**

Co-Chair Tom Browning made a call to the public.

There were a total of four (4) speakers during the public comment period. They were Mayor Larry Nelson from the City of Yuma, Mayor Tom Hessler from the City of Sierra Vista, Priscilla Storm from the Diamond Ventures, Inc. in Tucson and Bob Lark from the Lark Corporation in Scottsdale.

Mayor Larry Nelson from the City of Yuma expressed his distress with the comments made by Mayor Shafer of Surprise. He explained that all participants at the Chief Elected Officials Advisory Group recommendation development meeting with the exception of Mayor Shafer were adamant about the fact that there should not be any action to change the current statute. Mayor Nelson concluded his comments by requesting that when talking about protection of ranges that the terms "training and testing" should be used to include Yuma Proving Ground, instead of just "training".

Mayor Tom Hessler from the City of Sierra Vista started his remarks by commending the taskforce for its vote in support of the Renzi Rider. He continued his comments by reading one of the 50 resolutions recently passed by the Arizona League of Cities and Towns which reads as follows: "Urges Arizona congressional delegations, the Governor, legislature, State committees and agencies and local governments to maintain and develop policies that preserve the mission viability to Arizona's military facilities by eliminating encroachment of all types, supporting compatible land use around such facilities and ensuring the capability for future expansion." This resolution was submitted by the cities of Sierra Vista, Glendale, Goodyear, Litchfield Park, Peoria, Tucson, Yuma, and the towns of Huachuca City, Wickenburg and Youngtown. It had been listed as one of the top five priorities of the league and was unanimously adopted. Mayor Hessler concluded his remarks by requesting that the State not pre-empt local authority but recognize that one size does not fit all and create tools to help Arizona's communities deal with their issues around military installations.

Priscilla Storm from the Diamond Ventures, Inc. in Tucson started her comments by thanking the taskforce leadership for bringing the landowners surrounding Luke AFB and DM AFB together. But, time ran out and this group was not able to meet prior to this meeting. Ms. Storm continued her remarks about compatible land use concerns around DM AFB and made the following recommendations/position statements: 1) within the 65 ldn, that there should be performance

criteria for construction over disallowed uses 2) safety issues and noise issues should be kept separate 3) there is no need to restrict non-residential land uses beyond 30,000 ft 4) Currently, if you cannot noise attenuate a structure, then those land uses are disallowed. If it is the ancillary/secondary use to the primary indoor use and the indoor use is attenuated, then those recommendations for restrictions should be removed and 5) she would support a statewide sale tax for funding being placed on the ballot for voters. In closing, she committed to working with the other landowners groups in the State to bring recommendations with a statewide perspective back to the taskforce.

Bob Lark from the Lark Corporation in Scottsdale expressed his company's support for Luke AFB and presented a recommendation to support land trade exchange options that would be funded by private funding sources. He closed by committing to continue discussions and working with all affected parties and members of the taskforce in the future.

Prior to closing the meeting, Dion Flynn read into record Resolution No. R2003-59 dated August 20, 2003 from the City of Yuma, declaring support for the mission of the Governor's Military Facilities Taskforce as set forth in the Governor's Executive Order 2003-18.

Since there was no further business, the meeting was adjourned.

#### **NEW ACTIONS ITEMS:**

1) Determine the legality of the Chief Elected Officials advisory group recommendation – "Restrict/Remove the sale of state lands, possibly to keep as leased land, to those compatible uses that preserve the mission viability of Arizona military bases". If it is not currently allowed, then what do we need to recommend? (OPR: Patty Boland; Suspense Date: October 3, 2003)

2) Determine what kind of marketing materials that the Dept of Commerce and Economic Development community can develop to highlight the direct economic benefit of the military industry for economic developers to use as a selling tool about Arizona (OPR: Gil Jimenez; Suspense Date: October 3, 2003)

#### **DEFERRED:**

9) Forward information about the National Guard and Reserves units around the State including operations at Marana, Tucson International, Phoenix Sky Harbor, Camp Navajo, Papago Park and Florence Artillery Range (OPR: Steve Thu; Suspense Date: October 3, 2003)

8) As part of next month's community updates, provide information to the taskforce that addresses whether the "vicinity box" and noise contours as currently defined around installations utilized by the national Guard are adequate and appropriate to meet the current and future needs of that installation. (OPR: Steve Thu, Suspense Date: October 3, 2003)

#### **OPEN ACTIONS ITEMS:**

- 1) Draft specific recommendations for legislative action for the community surrounding Fort Huachuca to deal with their water issues and identify funding needs, a funding source identify and the responsible parties with the authority to take on the action recommended (OPR: Tom Finnegan; Suspense Date: October 3, 2003)
- 2) Draft a specific recommendation for state level action concerning Senator McCain's section 330 added to the house resolution 1588 suggesting the establishment of a taskforce to provide recommendations on resolving any outstanding conflicts between military training areas and endangered species protection (OPR: Lori Faeth; Suspense Date: October 3, 2003)
- 7) Forward a lead point of contact for the landowners in each community affected by military installations (OPRs: Tom Finnegan and Steve Thu; Suspense Date: October 3, 2003)
- 8) Forward information concerning the statutory concerns for UAVs that are similar to piloted aircraft that the taskforce needs to be aware of (OPR: Tom Finnegan; Suspense Date: October 3, 2003)
- 10) Draft a specific recommendation for a state level action to deal with the political obstacles faced by Yuma Proving Ground (OPRs: Monsignor O'Keeffe; Suspense Date: October 3, 2003)

#### **NEXT MEETING:**

The next Governor's Military Facilities Taskforce meeting is scheduled for Tuesday, October 7th, from 9:30am to 1pm at the Central Arizona College (Room M101), 8470 N. Overfield Road, Coolidge, AZ 85228.

Special Note: Electronic copies of the presentations or any other materials noted above are available on request. Please contact Dion Flynn at (602) 542-7007 or send an email to [dflynn@az.gov](mailto:dflynn@az.gov).

**For additional information about the Governor's Military Facilities Taskforce, checkout our web page at <http://www.governor.state.az.us/mft/index.html>**